HOUSE BILL No. 1048

DIGEST OF HB 1048 (Updated January 20, 2016 12:34 pm - DI 103)

Citations Affected: IC 9-26; IC 35-43.

Synopsis: Motor vehicle accidents. Makes it a Class C infraction if a motor vehicle involved in an accident comes to a stop in the traveled portion of a highway, and the operator fails (with certain exceptions) to move the motor vehicle off the traveled portion of the highway in a manner that does not obstruct traffic more than is necessary. Provides that, with certain exceptions, a person that knowingly or intentionally possesses a plate or label that contains an identification number not attached to the motor vehicle or motor vehicle part to which the plate or label was originally assigned by a manufacturer or governmental entity commits a Level 6 felony. Provides that a person that damages, removes, or alters, an original or a special identification number commits a Level 6 felony.

Effective: July 1, 2016.

Soliday, Speedy, Forestal

January 5, 2016, read first time and referred to Committee on Roads and Transportation.
January 21, 2016, amended, reported — Do Pass.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1048

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 9-26-1-1.1, AS AMENDED BY P.L.188-2015,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1.1. (a) The operator of a motor vehicle involved
4 in an accident shall do the following:
5   (1) **Except as provided in section 1.2 of this chapter, the**
6   **operator shall** immediately stop the operator's motor vehicle:
7   (A) at the scene of the accident; or
8   (B) as close to the accident as possible;
9   in a manner that does not obstruct traffic more than is necessary.
10   (2) Remain at the scene of the accident until the operator does the
11   following:
12   (A) Gives the operator's name and address and the registration
13   number of the motor vehicle the operator was driving to any
14   person involved in the accident.
15   (B) Exhibits the operator's driver's license to any person
16   involved in the accident or occupant of or any person attending
17   to any vehicle involved in the accident.

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1 (3) If the accident results in the injury or death of another person,
2 the operator shall, in addition to the requirements of subdivisions
3 (1) and (2):
4   (A) provide reasonable assistance to each person injured in or
5   entrapped by the accident, as directed by a law enforcement
6   officer, medical personnel, or a 911 telephone operator; and
7   (B) as soon as possible after the accident, immediately give
8   notice of the accident, or ensure that another person gives
9   notice of the accident, by the quickest means of
10   communication to one (1) of the following:
11   (i) The local police department, if the accident occurs within
12   a municipality.
13   (ii) The office of the county sheriff or the nearest state police
14   post, if the accident occurs outside a municipality.
15   (iii) A 911 telephone operator.
16 (4) If the accident involves a collision with an unattended vehicle
17 or damage to property other than a vehicle, the operator shall, in
18 addition to the requirements of subdivisions (1) and (2):
19   (A) take reasonable steps to locate and notify the owner or
20   person in charge of the damaged vehicle or property of the
21   damage; and
22   (B) if after reasonable inquiry the operator cannot find the
23   owner or person in charge of the damaged vehicle or property,
24   the operator must contact a law enforcement officer or agency
25   and provide the information required by this section.
26 (b) An operator of a motor vehicle who knowingly or intentionally
27 fails to comply with subsection (a) commits leaving the scene of an
28 accident, a Class B misdemeanor. However, the offense is:
29 (1) a Class A misdemeanor if the accident results in bodily injury
30 to another person;
31 (2) a Level 6 felony if:
32   (A) the accident results in serious bodily injury to another
33   person; or
34   (B) within the five (5) years preceding the commission of the
35   offense, the operator had a previous conviction of any of the
36   offenses listed in IC 9-30-10-4(a);
37 (3) a Level 5 felony if the accident results in the death of another
38 person; and
39 (4) a Level 3 felony if the operator knowingly or intentionally
40 fails to stop or comply with subsection (a) during or after the
41 commission of the offense of operating while intoxicated causing
42 serious bodily injury (IC 9-30-5-4) or operating while intoxicated

1   causing death (IC 9-30-5-5).
2   SECTION 2. IC 9-26-1-1.2 IS ADDED TO THE INDIANA CODE
3   AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4   1, 2016]: **Sec. 1.2. (a) If, after an operator of a motor vehicle is**
5   **involved in an accident, the operator's motor vehicle comes to a**
6   **stop in the traveled portion of a highway, the operator shall, as**
7   **soon as safely possible, move the motor vehicle off the traveled**
8   **portion of the highway and to a location as close to the accident as**
9   **possible. However, the operator shall not move the motor vehicle**
10   **if the accident:**
11   **(1) involves the transportation of hazardous materials; or**
12   **(2) results in injury or death of a person or the entrapment of**
13   **a person in a vehicle.**
14   **A person who violates this subsection commits a Class C infraction.**
15   **(b) An operator of a motor vehicle to whom subsection (a)**
16   **applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4)**
17   **of this chapter. An operator who knowingly or intentionally fails**
18   **to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this**
19   **chapter commits leaving the scene of an accident, a Class B**
20   **misdemeanor, and is subject to the penalties in section 1.1(b) of this**
21   **chapter.**
22   SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014,
23   SECTION 192, IS AMENDED TO READ AS FOLLOWS
24   [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person ~~who~~ **that** sells or
25   offers for sale a vehicle, a vehicle part, or a watercraft knowing that an
26   identification number or certificate of title of the vehicle, vehicle part,
27   or watercraft has been:
28   (1) destroyed;
29   (2) removed;
30   (3) altered;
31   (4) covered; or
32   (5) defaced;
33   commits a Class A misdemeanor.
34   **(b) Subsection (c) does not apply to a person that manufactures**
35   **or installs a plate or label containing an original identification**
36   **number:**
37   **(1) in a program authorized by a manufacturer of motor**
38   **vehicles or motor vehicle parts; or**
39   **(2) as authorized by the bureau under IC 9-17-4.**
40   **(c) A person that knowingly or intentionally possesses a plate or**
41   **label that:**
42   **(1) contains an identification number; and**

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1   **(2) is not attached to the motor vehicle or motor vehicle part**
2   **to which the identification number was assigned by the**
3   **manufacturer or governmental entity;**
4   **commits a Level 6 felony.**
5   **(d) A person that knowingly:**
6   **(1) damages;**
7   **(2) removes; or**
8   **(3) alters;**
9   **an original or special identification number commits a Level 6**
10   **felony.**
11   ~~(b)~~ **(e)** A person who counterfeits or falsely reproduces a certificate
12   of title for a motor vehicle, semitrailer, or recreational vehicle with
13   intent to:
14   (1) use the certificate of title; or
15   (2) permit another person to use the certificate of title;
16   commits a Class B misdemeanor.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, after line 21, begin a new paragraph and insert:

"SECTION 3. IC 35-43-6.5-1, AS ADDED BY P.L.217-2014, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) A person ~~who~~ **that** sells or offers for sale a vehicle, a vehicle part, or a watercraft knowing that an identification number or certificate of title of the vehicle, vehicle part, or watercraft has been:

(1) destroyed;

(2) removed;

(3) altered;

(4) covered; or

(5) defaced;

commits a Class A misdemeanor.

(b) Subsection (c) does not apply to a person that manufactures or installs a plate or label containing an original identification number:

(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or

(2) as authorized by the bureau under IC 9-17-4.

(c) A person that knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and

(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by the manufacturer or governmental entity;

commits a Level 6 felony.

(d) A person that knowingly:

(1) damages;

(2) removes; or

(3) alters;

an original or special identification number commits a Level 6 felony.

~~(b)~~ **(e)** A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

(1) use the certificate of title; or

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    (2) permit another person to use the certificate of title;
commits a Class B misdemeanor.".

    Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

    (Reference is to HB 1048 as introduced.)

<div align="right">SOLIDAY</div>

Committee Vote: yeas 13, nays 0.